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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/930,886

08/14/2001

Cuong D. Do

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03/22/2005

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EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,886

Applicant(s)

DO ET AL. 

Examiner

Phirin Sam

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because these drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

3. The abstract of the disclosure is objected to because it contains more than 150 words and more than one sheet. Therefore, the appropriate correction is required. See MPEP § 608.01(b).

Art Unit: 2661

4. The disclosure is objected to because of the following informalities:

Regarding BRIEF DESCRIPTION OF THE DRAWINGS, all drawings should be provided brief descriptions. Each drawing is described briefly under this sub-title. Therefore, the drawings 8 to 21 should be briefly described under this sub-title.

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
8. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,490,443 hereinafter referred to as "Freeny" in view of US Patent 6,829,475 hereinafter referred to as "Lee".

Freeny discloses the invention (**claims 1 and 2**) as claimed including a pervasive computing network, comprising:

- (a) a plurality of first access controllers connected together on a first local area network, each of the first access controllers (see Figs. 1-2, elements 8a and 50) including radio frequency transceiver (see Fig. 2, element 21) constructed to transmit and receive radio frequency signals within a range less than about 100 meters (see col. 34, lines 59-66, and col. 38, lines 25-33, where Bluetooth is a local wireless technology and can transmit or receive the frequency signals within the short range), wherein at least two of the ranges of the first access controllers overlap one another and first access controllers are constructed to communicate with a consumer touch-point device (see Figs. 1 and 2, elements 5a, 5b, 8a, and 50, col. 4, lines 60-67, and col. 5, lines 1-9, 35-51). Wherein the first access controllers (8a) show only one for the purpose of illustration. Practically, there are more than one access controllers;
- (b) a first communication line connecting first plurality of access controllers to a wide area network (see Fig. 1, element 15a, col. 5, lines 4-9);
- (c) a plurality of second access controllers (Figs. 1 and 2, elements 8b and 5) connected together on second access controllers connected together on a second local area network, each of the second access controllers (see Fig. 2, element 50) including a radio frequency transceiver (see Fig. 2, element 21) constructed to transmit and receive radio frequency signals within a range less than about 100 meters, wherein least two of ranges of the second access controllers overlap one another and the second access controllers are constructed communicate with the consumer touch-point device (see Figs. 1 and 2, elements 5c, 5d, 8b, and 50, col. 4, lines 60-67, and col. 5,

Art Unit: 2661

lines 1-9, 35-51). Wherein the second access controllers (8b) show only one for the purpose of illustration. Practically, there are more than one access controllers;

(d) a second communication line connecting the second plurality of access controllers to the wide area network (see Fig. 1, element 15b, col. 5, lines 4-9);

(e) a knowledge center (Fig. 1, element 30) connected to the wide area network in communication with the plurality of first access controllers (Fig. 1, element 8a) and the plurality of second access controllers (Fig. 1, element 8b), the knowledge center (Fig. 1, element 30) being configured to communicate with the consumer touch-point device (Fig. 1, elements 5a-5d, 40) by pushing un-requested data to the consumer touch-point device when the consumer touch-point device is within one of the ranges of the plurality of first access controllers and the plurality of second access controllers (see Fig. 1, element 30, col. 4, lines 60-67, and col. 5, lines 1-19).

Freeny does not disclose pushing un-requested data. However, Lee discloses the pushing un-request data (see Fig. 3, elements 30 and 194, col. 6, lines 14-25, and col. 11, lines 11-42).

Where broadcaster 194 broadcasts or pushes the un-request data (advertisement data) to the customers. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the pushing un-request data teaching by Lee with Freeny. The motivation for doing so would have been to provide for optional information for customers. Therefore, it would have been obvious to combine Lee and Freeny to obtain the invention as specified in the claims 1 and 2.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: March 17, 2005

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**